
SENATE BILL No. 360

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-7.7; IC 12-7-2-132.5; IC 12-15-5-1.5; IC 27-8-14.1; IC 27-13-7-14.5.

Synopsis: Coverage of surgery for morbid obesity. Removes language in the morbid obesity definition that refers to weight guidelines in the Metropolitan Life Insurance table. Prohibits: (1) the state employee insurance plan; (2) the Medicaid program; (3) an insurer that issues an accident and sickness insurance policy; and (4) a health maintenance organization that provides basic health care services; from providing coverage for surgical treatment of morbid obesity for an individual who is less than 19 years of age unless two physicians determine that the surgery is necessary to save the life of the individual.

Effective: July 1, 2005.

Miller

January 11, 2005, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 360

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-7.7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.7. **(a) As used in this**
3 **section, "covered individual" means an individual who is:**

4 **(1) covered under a self-insurance program established under**
5 **section 7(b) of this chapter to provide group health coverage;**

6 **or**

7 **(2) entitled to services under a contract with a prepaid health**
8 **care delivery plan that is entered into or renewed under**
9 **section 7(c) of this chapter.**

10 ~~(a)~~ **(b)** As used in this section, "health care plan" means:

11 (1) a self-insurance program established under section 7(b) of this
12 chapter to provide group health coverage; or

13 (2) a contract entered into under section 7(c) of this chapter to
14 provide health services through a prepaid health care delivery
15 plan.

16 ~~(b)~~ **(c)** As used in this section, "health care provider" means a:

17 (1) physician licensed under IC 25-22.5; or

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(2) hospital licensed under IC 16-21;
that provides health care services for surgical treatment of morbid
obesity.

~~(c)~~ **(d)** As used in this section, "morbid obesity" means:

~~(1)~~ a weight of at least two ~~(2)~~ times the ideal weight for frame,
age, height, and gender, as specified in the 1983 Metropolitan
Life Insurance tables;

~~(2)~~ **(1)** a body mass index of at least thirty-five (35) kilograms per
meter squared, with comorbidity or coexisting medical conditions
such as hypertension, cardiopulmonary conditions, sleep apnea,
or diabetes; or

~~(3)~~ **(2)** a body mass index of at least forty (40) kilograms per
meter squared without comorbidity.

For purposes of this subsection, body mass index is equal to weight in
kilograms divided by height in meters squared.

~~(d)~~ **(e)** Except as provided in subsection (f), the state shall provide
coverage for nonexperimental, surgical treatment by a health care
provider of morbid obesity:

(1) that has persisted for at least five (5) years; and

(2) for which nonsurgical treatment that is supervised by a
physician has been unsuccessful for at least eighteen (18)
consecutive months.

**(f) The state may not provide coverage for surgical treatment of
morbid obesity for a covered individual who is less than nineteen
(19) years of age unless two (2) physicians licensed under
IC 25-22.5 determine that the surgery is necessary to save the life
of the individual.**

SECTION 2. IC 12-7-2-132.5 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: **Sec. 132.5. "Morbid obesity", for
purposes of IC 12-15-5, has the meaning set forth in
IC 12-15-5-1.5(a).**

SECTION 3. IC 12-15-5-1.5 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2005]: **Sec. 1.5. (a) "Morbid obesity" means a body mass index
of:**

**(1) at least thirty-five (35) kilograms per meter squared, with
comorbidity or coexisting medical conditions such as
hypertension, cardiopulmonary conditions, sleep apnea, or
diabetes; or**

**(2) at least forty (40) kilograms per meter squared without
comorbidity.**

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For purposes of this section, body mass index is equal to weight in kilograms divided by height in meters squared.

(b) Morbid obesity surgical treatment services for a recipient who is less than nineteen (19) years of age may not be reimbursed under Medicaid unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to save the life of the individual.

SECTION 4. IC 27-8-14.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this chapter, "morbid obesity" means:

(1) a weight of at least two (2) times the ideal weight for frame, age, height, and gender, as specified in the 1983 Metropolitan Life Insurance tables;

(2) (1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or

(3) (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this section, body mass index is equal to weight in kilograms divided by height in meters squared.

SECTION 5. IC 27-8-14.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Except as provided in subsection (b), an insurer that issues an accident and sickness insurance policy shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

(1) that has persisted for at least five (5) years; and

(2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least eighteen (18) consecutive months.

(b) An insurer that issues an accident and sickness insurance policy may not provide coverage for a surgical treatment of morbid obesity for an insured who is less than nineteen (19) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to save the life of the individual.

SECTION 6. IC 27-13-7-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14.5. (a) As used in this section, "health care provider" means a:

(1) physician licensed under IC 25-22.5; or

(2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid

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1 obesity.

2 (b) As used in this section, "morbid obesity" means:

3 ~~(1) a weight of at least two (2) times the ideal weight for frame,~~
 4 ~~age, height, and gender as specified in the 1983 Metropolitan Life~~
 5 ~~Insurance tables;~~

6 ~~(2) (1)~~ a body mass index of at least thirty-five (35) kilograms per
 7 meter squared with comorbidity or coexisting medical conditions
 8 such as hypertension, cardiopulmonary conditions, sleep apnea,
 9 or diabetes; or

10 ~~(3) (2)~~ a body mass index of at least forty (40) kilograms per
 11 meter squared without comorbidity.

12 For purposes of this subsection, body mass index equals weight in
 13 kilograms divided by height in meters squared.

14 (c) **Except as provided in subsection (d),** a health maintenance
 15 organization that provides coverage for basic health care services under
 16 a group contract shall offer coverage for nonexperimental, surgical
 17 treatment by a health care provider of morbid obesity:

18 (1) that has persisted for at least five (5) years; and

19 (2) for which nonsurgical treatment that is supervised by a
 20 physician has been unsuccessful for at least eighteen (18)
 21 consecutive months.

22 **(d) A health maintenance organization that provides coverage**
 23 **for basic health care services may not provide coverage for**
 24 **surgical treatment of morbid obesity for an enrollee who is less**
 25 **than nineteen (19) years of age unless two (2) physicians licensed**
 26 **under IC 25-22.5 determine that the surgery is necessary to save**
 27 **the life of the individual.**

28 SECTION 7. [EFFECTIVE JULY 1, 2005] (a) IC 5-10-8-7.7(f), as
 29 added by this act, applies to a self-insurance program or a contract
 30 with a prepaid health care delivery plan that is established, entered
 31 into, delivered, amended, or renewed after June 30, 2005.

32 (b) IC 27-8-14.1-4(b), as added by this act, applies to an accident
 33 and sickness insurance policy that is issued, delivered, amended, or
 34 renewed after June 30, 2005.

35 (c) IC 27-13-7-14.5(d), as added by this act, applies to a health
 36 maintenance organization contract that is entered into, delivered,
 37 amended, or renewed after June 30, 2005.

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